

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 26, 2007

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Coiner, Gannon, and Langhorst, absent on legislative business and formally excused by the Chair; and Senators Bair, Bastian, Bilyeu, Broadsword, Cameron, Fulcher, Hammond, Keough, Richardson, and Werk, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Joe Burke, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Bair, Bilyeu, Broadsword, Hammond, Keough, and Richardson were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 25, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

Senators Cameron and Fulcher were recorded present at this order of business.

SCR 101

BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOMMENDING THAT THE STATE ADOPT A POLICY THAT MOVES TOWARD STANDARDIZING TUITION COSTS AND FEES FOR PROFESSIONAL-TECHNICAL COURSES

THAT ARE PROVIDED BY THE STATE'S FOUR-YEAR POSTSECONDARY EDUCATIONAL INSTITUTIONS AT A RATE COMMENSURATE WITH THE RATE CHARGED BY THE STATE'S COMMUNITY COLLEGES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, community colleges strive to provide professional-technical programs that are both accessible and affordable to as many students as possible; and

WHEREAS, the cost per semester of tuition and fees for professional-technical courses and programs at any of the state's community colleges is approximately half the amount charged by the state's four-year postsecondary educational institutions for the same courses and programs; and

WHEREAS, this disparity in costs creates an inequity in affordability and therefore in access for many students; and

WHEREAS, to address the affordability in some measure, counties not organized as community college districts are obliged to pay a portion of tuition for their resident students who attend a community college; and

WHEREAS, counties pay such tuition obligation from their annual distribution of liquor funds; and

WHEREAS, noncommunity college district counties are authorized to levy a property tax to meet their tuition obligations should the liquor fund revenues be insufficient for the purpose; and

WHEREAS, the state of Idaho pays 100% of all costs associated with providing professional-technical courses at all of the state's six technical colleges.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recommend that the state adopt a policy that moves toward standardizing tuition costs and fees for professional-technical courses that are provided by the state's four-year postsecondary educational institutions at a rate commensurate with the rate charged by the state's community colleges.

BE IT FURTHER RESOLVED that the Office of the State Board of Education and the presidents of the colleges and universities are invited and encouraged to submit their recommendations to the Legislature for development of such a policy, noting that implementation of such a policy may occur over an extended period of time in order to reduce any impact it may have on funding policies.

SCR 102

BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE IDAHO PUBLIC SCHOOLS AND PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO RECOGNIZE AMERICAN SIGN LANGUAGE COURSEWORK FOR FOREIGN LANGUAGE CREDIT AND ENCOURAGING THE STATE BOARD OF EDUCATION, THE STATE DEPARTMENT OF EDUCATION AND THE COUNCIL FOR THE DEAF AND HARD OF HEARING TO CONFER, COLLABORATE AND PROVIDE INFORMATION FOR THE INCLUSION OF AMERICAN SIGN LANGUAGE AS FOREIGN LANGUAGE CREDIT FOR A HIGH SCHOOL DIPLOMA AND TO DETERMINE WAYS AND INCENTIVES IN WHICH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION MIGHT BE ENCOURAGED TO ACCEPT SUCCESSFULLY COMPLETED COURSEWORK IN AMERICAN SIGN LANGUAGE FOR FOREIGN LANGUAGE CREDIT.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the unique social, cultural and linguistic heritage of the deaf community and its substantial contribution to the enrichment and diversity of our society is recognized; and

WHEREAS, over the last decades, a significant and growing body of scientific inquiry into American Sign Language (ASL) has been undertaken with the result that ASL is now recognized as a separate and complete language with its own unique grammar and syntax; and

WHEREAS, ASL is one of the most commonly used languages in the United States, and there is significant and growing interest by the general public in learning ASL; and

WHEREAS, the legislative bodies of many states have formally recognized ASL; and

WHEREAS, many states accept ASL coursework for foreign language credit throughout their state educational systems, kindergarten through college; and

WHEREAS, learning and communicating with ASL contributes to a greater understanding of the social and cultural aspects of deafness, the promotion of better communication between hearing people and deaf people who use ASL and the advancement of the full inclusion and participation of deaf people who use ASL in every area of society.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that public schools and public and private institutions of higher education in Idaho are encouraged to recognize American Sign Language coursework for foreign language credit. The Legislature further encourages the State Board of Education, the State Department of Education and the Council for the Deaf and Hard of Hearing to confer, collaborate and provide information for the inclusion of American Sign Language among the foreign language courses approved for foreign language credit for the high school diploma and to determine ways and incentives that might encourage public and private institutions of higher education to accept successfully completed coursework in American Sign Language for foreign language credit.

SCR 103

BY EDUCATION COMMITTEE

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE LEGISLATURE TO RECOGNIZE THE UNIQUE EDUCATIONAL NEEDS OF CHILDREN WHO ARE DEAF OR HARD OF HEARING.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, children who are deaf or hard of hearing have the same rights and potential to become as independent and self-actualizing as their hearing peers; and

WHEREAS, children who are deaf or hard of hearing benefit from appropriate screening and assessment of hearing capabilities, communication and language needs at the earliest possible age and from the continuation of screening services throughout the educational experience; and

WHEREAS, children who are deaf or hard of hearing benefit from early intervention to provide for acquisition of solid language bases developed at the earliest possible age; and

WHEREAS, children who are deaf or hard of hearing benefit from their parents' or guardians' full and informed participation in their educational planning; and

WHEREAS, children who are deaf or hard of hearing benefit from interaction with adult role models who are deaf or hard of hearing; and

WHEREAS, children who are deaf or hard of hearing benefit from interacting with their deaf peers, hard of hearing peers and hearing peers; and

WHEREAS, children who are deaf or hard of hearing benefit from qualified teachers, interpreters and resource personnel who communicate effectively with each child in that child's method of communication; and

WHEREAS, children who are deaf or hard of hearing benefit from placement best suited to each child's individual needs, including but not limited to, social, emotional and cultural needs, with consideration for the child's age, degree of hearing loss, academic level, method of communication, style of learning, motivational level and amount of family support; and

WHEREAS, children who are deaf or hard of hearing benefit from individual free, appropriate education across a full spectrum of educational programs; and

WHEREAS, children who are deaf or hard of hearing benefit from full support services provided by qualified professionals in their educational settings; and

WHEREAS, children who are deaf or hard of hearing benefit from full access to all programs in their educational settings; and

WHEREAS, children who are deaf or hard of hearing benefit from having the public fully informed concerning medical, cultural and linguistic issues of deafness and hearing loss; and

WHEREAS, children who are deaf or hard of hearing benefit by having deaf and hard-of-hearing adults involved in determining the extent, content and purpose of programs that affect their education; and

WHEREAS, children who are deaf or hard of hearing benefit from free and unrestricted communication with others who communicate in their same language mode; and

WHEREAS, the preferred method of communication of children who are deaf or hard of hearing should be respected in order to attain the highest education possible for that individual in an appropriate environment.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that policymakers are encouraged to recognize the unique educational needs of children who are deaf or hard of hearing.

SCR 101, SCR 102, and SCR 103 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 26, 2007

The JUDICIARY AND RULES Committee reports that **S 1046, S 1047, S 1048, and SJM 102** have been correctly printed.

DARRINGTON, Chairman

S 1046 was referred to the Education Committee.

S 1047 and **S 1048** were referred to the Health and Welfare Committee.

SJM 102 was referred to the State Affairs Committee.

January 25, 2007

The FINANCE Committee reports out **H 29** with the recommendation that it do pass.

CAMERON, Chairman

H 29 was filed for second reading.

January 25, 2007

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Mark Sweeney as a member of the Aeronautics Advisory Board, term to expire January 31, 2009;

Daniel R. Scott as a member of the Aeronautics Advisory Board, term to expire January 31, 2011;

Darrell V. Manning as Chairman of the Idaho Transportation Board, term to expire at the pleasure of the Governor.

McGEE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 26, 2007

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Scott McLeod as a member of the Idaho Lottery Commission, term to expire January 1, 2009.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Werk and Bastian were recorded present at this order of business

January 25, 2007

Mr. President:

I transmit herewith **H 39** which has passed the House.

JUKER, Chief Clerk

H 39 was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1049

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO ALLOWABLE GROSS LOADS; AMENDING SECTION 49-1001, IDAHO CODE, TO DELETE PROVISIONS ALLOWING FOR PREQUALIFICATION OF VARIABLE LOAD SUSPENSION AXLES AND TO ALLOW VARIABLE LOAD SUSPENSION AXLES TO BE NONSTEERING WHEN NOT EXCEEDING FIVE FEET FROM THE REMAINING AXLE GROUP AND TO MAKE A TECHNICAL CORRECTION.

S 1050

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO VEHICLE AND VESSEL TITLES AND TRANSITIONAL OWNERSHIP DOCUMENTS; AMENDING SECTION 49-121, IDAHO CODE, TO REVISE THE DEFINITION OF "TRANSITIONAL OWNERSHIP DOCUMENT" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-510, IDAHO CODE, TO REVISE THE PROCESS AND TIMING FOR PERFECTING A LIEN, TO DELETE PROVISIONS FOR PROCESSING INCOMPLETE TITLE APPLICATIONS, TO REMOVE EXEMPTIONS TO THE NOTARIZATION REQUIREMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-527, IDAHO CODE, TO PROVIDE FOR CALCULATION AND PERFECTION OF A SECURITY INTEREST AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 49-528, IDAHO CODE, TO CLARIFY A TRANSITIONAL OWNERSHIP DOCUMENT AS EVIDENCE OF OWNERSHIP AND TO ALLOW THIRTY DAYS FOR SUBMISSION OF THE DOCUMENT TO THE DEPARTMENT; AND AMENDING SECTION 49-529, IDAHO CODE, TO PROVIDE THIRTY DAYS TO SUBMIT A TRANSITIONAL OWNERSHIP DOCUMENT FOR ACCEPTANCE BY THE DEPARTMENT.

S 1051

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLE TIRES; AMENDING SECTION 49-1002, IDAHO CODE, TO DELETE THE PROHIBITION ON USE OF SINGLE TIRES ON SINGLE AXLES OR WITHIN GROUPS OF AXLES.

S 1052

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO SNOWMOBILE REGISTRATIONS; AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE THE DEFINITION OF "SNOWMOBILE"; AMENDING SECTION 67-7103, IDAHO CODE, TO INCREASE THE REGISTRATION FEES FOR PRIVATELY OWNED

SNOWMOBILES AND SNOWMOBILES USED FOR RENTAL PURPOSES; AMENDING SECTION 67-7104, IDAHO CODE, TO INCREASE THE REGISTRATION FEE FOR SNOWMOBILES OWNED BY NONRESIDENTS NOT USED FOR COMMERCIAL PURPOSES; AND AMENDING SECTION 67-7106, IDAHO CODE, TO DELETE AN APPLICATION PROCESS FOR ADDITIONAL SNOWMOBILE PROGRAM FUNDS, TO CLARIFY THE SOURCE OF FUNDS USED TO DEFRAY ADMINISTRATIVE COSTS AND TO PROVIDE FOR DISTRIBUTION OF SNOWMOBILE REGISTRATION REVENUES GENERATED IN COUNTIES WITHOUT A BONA FIDE SNOWMOBILE PROGRAM.

S 1053

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CREDIT GUARANTEES FOR SCHOOL DISTRICTS; AMENDING SECTION 57-728, IDAHO CODE, TO PROVIDE THAT THE AMOUNT OF DEBT GUARANTEED BY THE CREDIT ENHANCEMENT PROGRAM SHALL NOT BE GREATER THAN FOUR TIMES THE AMOUNT MADE AVAILABLE BY THE PUBLIC SCHOOL PERMANENT ENDOWMENT FUND; AND AMENDING SECTION 33-5303, IDAHO CODE, TO PROVIDE A MAXIMUM AMOUNT OF SCHOOL DISTRICT BONDS THAT MAY BE GUARANTEED, TO PROVIDE AN EXCEPTION, TO PROVIDE THE MAXIMUM AMOUNT OF SCHOOL DISTRICT BONDS THAT MAY BE GUARANTEED WHEN SCHOOL DISTRICTS CONSOLIDATE AND TO MAKE TECHNICAL CORRECTIONS.

S 1054

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO TRUST DEEDS; AMENDING SECTION 45-1502, IDAHO CODE, TO FURTHER DEFINE THE TERM "REAL PROPERTY" FOR PURPOSES OF TRUST DEEDS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

S 1049, S 1050, S 1051, S 1052, S 1053, and S 1054 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 39, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1012, S 1016, S 1013, S 1018, and S 1019, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:30 a.m. until the hour of 11:15 a.m., Monday, January 29, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary